

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 20 2024

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

PARNELL COLVIN,

No. 23-15080

Plaintiff-Appellant,

D.C. No. 2:22-cv-01928-CDS-NJK

v.

MEMORANDUM*

TAKO, LLC,

Defendant-Appellee.

Appeal from the United States District Court
for the District of Nevada
Cristina D. Silva, District Judge, Presiding

Submitted June 17, 2024**

Before: CANBY, PAEZ, and SUNG, Circuit Judges.

Parnell Colvin appeals pro se from the district court's order declaring him a vexatious litigant and entering a pre-filing review order against him. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1056 (9th Cir. 2007). We affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

The district court did not abuse its discretion in declaring Colvin a vexatious litigant and entering a pre-filing review order against him because the district court provided Colvin with notice and an opportunity to be heard, and Colvin does not contest that the remaining requirements were met. *See Ringgold-Lockhart v. County of Los Angeles*, 761 F.3d 1057, 1062 (9th Cir. 2014) (setting forth requirements the district court must consider before imposing pre-filing restrictions).

To the extent that Colvin intended to challenge the district court's December 5, 2022 order, we do not consider this issue because it was not specifically and distinctly raised and argued in the opening brief. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (explaining that "we cannot manufacture arguments for an appellant and therefore we will not consider any claims that were not actually argued in appellant's opening brief" (citation and internal quotation marks omitted)).

We reject as unsupported by the record Colvin's contention that the district judge was biased against him.

AFFIRMED.